

BEAVERTON POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 7.06.00
SUBJECT: USE OF VEHICLES
EFFECTIVE: AUGUST 1, 1999
REVIEW: AUGUST 2000, 2001, 2002, 2003, 2004

1. PURPOSE. The purpose of this policy is to prescribe the proper operation of vehicles under all conditions involving routine, emergency, and pursuit situations.
2. POLICY. Use of vehicles is essential to the performance of law enforcement activities. At the same time, the use of vehicles creates special responsibilities for members of the department. Employees have the responsibility to operate their vehicles in a safe and skillful manner. Employees shall at all times give due consideration to the safety and welfare of the general public. Employees shall obey all laws and department policies pertaining to the routine, emergency and pursuit operation of official vehicles. Legal constraints for the operation of emergency vehicles are provided in the Oregon Revised Statutes. All members of the department will operate emergency vehicles in accordance with these statutes. Employees shall familiarize themselves with ORS 820.300 with particular attention to ORS 820.300(2)(a) and (2)(b).
3. USE OF VEHICLES. Members who are authorized to utilize city owned vehicle shall:
 - A. Use vehicles only for official city business outside scheduled hours of work.
 - B. Unmarked vehicles may be used by on-duty members with supervisory approval.
4. REGULATIONS OF VEHICLE USE. Vehicles shall be used in accordance with the following regulations:
 - A. Members shall operate city vehicles in a lawful manner at all times and are expected to drive defensively.
 - B. Members shall not operate a city vehicle unless they are authorized to do so and are in possession of a valid driver's license with proper endorsements.

- C. Members assigned to operate city vehicles are responsible for the operation, care and condition of the vehicle. Members assigned to operate city vehicles are also responsible for cleanliness of the vehicle at the end of the period of use.
- D. Members operating a department vehicle shall utilize seat belts while the vehicle is in motion, unless the operator determines the use of the seat belt to be a tactical disadvantage when the vehicle is travelling at a slow rate of speed. All passengers riding in a department vehicle shall utilize seat belts while the vehicle is in motion. It is the responsibility of the member operating the vehicle to ensure that all passengers utilize seat belts, except for prisoner transport when the use of the seat belt is not required by Oregon law.
- E. Members shall not permit city owned or possessed vehicles to be driven or operated by nonmembers of the department except as authorized by the Chief of Police or his designee.
- F. Members may be held responsible for any damage to vehicles when the damage is a result of employee negligence.
- G. Before and after use, members shall examine city vehicles assigned to them, report unrecorded damage or operational defects to their superior, and submit the necessary written reports.
- H. Members shall report any damage to department vehicles immediately to their supervisor and submit the necessary written reports.
- I. Unless authorized by a supervisor, members assigned to a city vehicle equipped with a police radio shall maintain the radio on the appropriate frequency, and shall not turn the radio off while operating the vehicle except when responding to explosive devices which might be electrically or electronically activated.
- J. Members shall not transport persons in police vehicles except in connection with Department business.
- K. Members will lock each department vehicle whenever it is left unattended and out of the member's view.
- L. Members are prohibited from applying or placing any signs, decals, posters, insignia, bumper stickers, window stickers or any other items on city vehicles, unless authorized to do so by the Chief of Police.
- M. Members shall not smoke in city owned vehicles.

5. OPERATION OF POLICE VEHICLES. All members shall operate their assigned vehicles with due regard to safety. Even when responding to an emergency situation or when in pursuit of another vehicle, members shall be mindful of road conditions, surrounding traffic and other hazards, and shall operate emergency lights and sirens as required by law and in accordance with Department procedures or approved by a supervisor. See Section 9.04.00 regarding pursuit driving.

6. OPERATION OF VEHICLES OUT OF JURISDICTION. Members shall not leave the city in a police vehicle unless on official business, as a necessary police response, or as authorized by the Chief of Police or his designee. Travel in a city vehicle out-of-state must be pre-authorized by the Police Chief or his designee. (Commanders shall consider the risk of a self-insured accident with liability limits afforded by Oregon law, the cost of a rental vehicle, and the cost of public transportation.) If approved for out of state travel, the member shall notify the City of Beaverton Risk Manager of the vehicle ID#, the members name, location of travel, and dates of departure and return.

7. APPROPRIATE VEHICULAR SPEED. When practical, all patrols shall be at the designated road speed or slower. When traffic conditions make such speeds impractical, the vehicle shall be operated in accordance with the flow of traffic.

8. POLICE VEHICLE OPERATION CODES. Police vehicles shall be operated in strict conformance with the Motor Vehicle laws of Oregon, and as follows:

A. Regular Responses. Assignments which are not urgent but are to be covered at the earliest convenience of the unit assigned. Units on such calls shall comply with all traffic laws of the city and state. When calls are urgent but are not of an emergency nature, emergency equipment shall not be used and traffic laws shall be observed.

B. Emergency Responses. Emergency assignments where there is a danger or threat of danger to life or limb. These calls require all practical haste, with due care and caution. Response to these calls shall be made with the emergency light in operation at all times. Except in immediate pursuit, traffic control devices should be observed. The siren must be employed when the officer chooses to take advantage of the exemptions granted to an emergency vehicle, such as proceeding past a red signal or exceeding the speed limit unless such operation of the siren will interfere with the apprehension of the suspect. The vehicle shall not be operated in excess of the safe speed for the conditions present and shall not endanger persons or property. Officers must remember that the use of emergency equipment does not relieve them of the responsibility for the consequences of such operation. Unless compelling reasons justify otherwise, only vehicles assigned to the patrol division shall be used to respond to an emergency.

C. When Siren Not Used. When responding to calls without emergency equipment in operation, all personnel shall exercise special caution to compensate for the lack of this warning devices. If the siren is not used, the officer shall ensure

that the officer has been yielded the right of way before proceeding at any point in travel.

D. Exemptions. Exemption from certain provisions of the Motor Vehicle Code does not relieve the driver of an emergency vehicle from the duty to drive with due care for the safety of all persons using the roads nor do the exemptions protect them from the consequences of exercising such privileges. See ORS 820.300(2)(a-b).

9. **PARKING VEHICLES**. Vehicles shall be parked in such a manner that they are in a position to exit quickly and easily in an emergency situation.

10. **PUSHING AND TOWING**. Department vehicles shall not be used to push or tow other vehicles except in an emergency situation or to eliminate a hazard.

11. **VEHICLE ACCIDENTS**. When a Department vehicle is involved in an accident, members shall render necessary aid to the injured, remove any hazards to life or property, contact their supervisor promptly and complete the necessary and required accident reports.

12. **EMERGENCY ASSISTANCE**. It is the policy of this department to offer aid to any disabled, stranded or otherwise needful highway or street user. The assistance may include, but is not limited, to the following:

A. Summoning a tow service or other mechanical help.

B. Summoning a friend, parent, or relative to respond to the scene.

C. Transporting the person(s) to the nearest public transportation after applying the appropriate rules to ensure officer safety.

F. Members should not attempt to repair, jump start, push or tow start vehicles or leave motorists stranded without a solution to their problem.

13. **EMERGENCY POLICE VEHICLE OPERATION**. The operation of emergency vehicles represents an area of great liability to a governmental entity. The city, the police department and its members each can be found liable in a law suit resulting from negligent or unlawful operation of an emergency vehicle which results in property damage, injury or death. In addition, a member involved in an accident while operating an emergency vehicle becomes unavailable to respond to the emergency and render needed public service.

14. **EMERGENCY RESPONSES**. Members shall operate all department vehicles in a careful and prudent manner and, at all times, shall give high regard to the safety and welfare of the general public. Members shall obey ORS 820.300 and 820.320 dealing with emergency vehicle operation and all department rules and regulations pertinent to the operation of emergency vehicles in non-emergency, emergency, and pursuit situations.

15. DEFINITIONS.

A. "Emergency Vehicle" as defined by ORS 801.260 means a vehicle that is equipped with lights and sirens as required under ORS 820.350 and 820.370, and is operated by a public police agency.

B. "Emergency Situations" include circumstances indicating a person's or another police officer's life or physical well-being is in peril. By way of illustration only, such circumstances include and are not limited to: armed robberies in progress, burglaries in progress, felonious assaults in progress to include rapes, arsons in progress, shots fired, armed persons, a medical emergency, a traffic accident with reported injuries or unknown injuries, a serious public hazard such as a live high-voltage wire down, rescues or evacuations with time as a factor, suicides or suicide attempts, "physical" assaults, and a call for emergency assistance from another officer.

C. "Other Emergency Situations" include the potential for property loss constituting a felony; the pursuit of an actual or suspected serious offender (for example, the perpetrator or suspected perpetrator of homicide, felonious assault, burglary, rape, arson, robbery, and traffic crimes of D.U.I.I., reckless driving, felony hit-and-run, and fleeing or attempting to elude a police officer).

16. RESPONSE CODES. Department personnel assigned or otherwise responsible to respond to an emergency call shall proceed to the location of the incident as rapidly as is practical with safety.

A. CODE ONE (1): Applies to routine calls for service such as crimes that are not in progress, non-injury/non-hazard traffic accidents, missing persons, and administrative calls. A safe response without the use of emergency lights or sirens while obeying all traffic laws and ordinances is required. Members may take enforcement action during a Code One response on any traffic violation or other offense that occurs in their presence.

B. CODE TWO (2): Applies to situations requiring immediate attention, such as crimes that have just occurred or are in progress but are crimes other than those defined under "Emergency Situations" (9.05.01). Members shall respond immediately in a safe manner while obeying all traffic laws and ordinances. The use of lights and sirens is authorized in those instances where a lengthy delay would result from traffic congestion and a quicker response is required. A Code Two response requires a complete stop at all stop signs and red traffic signals before entering an intersection while using emergency lights and sirens.

C. CODE THREE (3): Applies to "Emergency Situations" of a critical nature such as a "officer needs help" or the threat to a person's life or physical well-being. The response shall be in a safe and prudent manner that insures the arrival of responding members. The member shall use emergency lights and sirens as required

by ORS 820.300 but is not required to use such equipment as described under ORS 820.320(B).

17. APPLICATION OF TRAFFIC LAWS - EMERGENCY VEHICLES.

A. ORS 820.300 relating to EXEMPTIONS FROM TRAFFIC LAWS provides: Subject to conditions, limitations, prohibitions, and penalties established for emergency vehicle drivers under ORS 820.320 and for ambulance drivers under ORS 820.310, the driver of an emergency vehicle or ambulance may do any of the following:

1. Park or stand in disregard of a statute, regulation or ordinance prohibiting that parking or standing.
2. Proceed past a red signal or stop sign.
3. Exceed the designated speed limits.
4. Disregard regulations governing direction of movement or turning in specified directions.
5. Proceed past the flashing bus safety lights without violating ORS 811.155 if the driver first stops the vehicle and then proceeds only when the driver: 1) determined that no passengers of the bus remain on the roadway; and 2) proceeds with caution.

B. The provisions of this section:

1. Do not relieve the driver of an emergency vehicle or ambulance from the duty to drive with due regard for the safety of all other persons.
2. Are not a defense to the driver of an emergency vehicle or ambulance in an action brought for criminal negligence or reckless conduct.
3. Except as specifically provided in this section, do not relieve the driver of an emergency vehicle or ambulance from the duty to comply with ORS 811.155.

C. ORS 820.320 which relates to ILLEGAL OPERATION OF EMERGENCY VEHICLE provides: A person commits the offense of illegal operation of an emergency vehicle if the person is the driver of an emergency vehicle and the person violates any of the following:

1. The driver of an emergency vehicle may only exercise privileges granted under ORS 820.300 when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from an emergency.
2. The driver of an emergency vehicle must use a visual signal with appropriate warning lights when the driver is exercising privileges granted by ORS 820.300
3. In addition to any required visual signal, the driver of an emergency vehicle must make use of an audible signal meeting the requirements under ORS 820.370 when the driver is proceeding past a stop light or stop sign under privileges granted by ORS 820.300 (1b).
4. In exercising the privileges under ORS 820.300 (1e) relating to busses and bus safety lights, the driver of an emergency vehicle must first stop the vehicle and then must: 1) Determine that no passengers of the bus remain on the roadway; and 2) Proceed with caution.
5. In proceeding past any stop light or stop sign under the privileges granted by ORS 820.300, the driver of an emergency vehicle must stop and use caution as may be necessary for safe operation prior to entering an intersection.
6. An emergency vehicle shall be operated with due regard for the safety of others, with consideration for road conditions, surrounding traffic, and other hazards.
7. When responding in an emergency mode, emergency signal devices may be deactivated at distance from the scene so as to not alert suspects of police presence. (The driver of an emergency vehicle that is operated as an emergency police vehicle is not required to use either visual signal or the audible signal as described in this section in order to exercise the privileges granted in ORS when it reasonably appears to the driver that the use of either or both would prevent or hamper the apprehension or detection of a violator of a statute, ordinance or regulation.)

Chief of Police

Date